

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: November 2, 2015

Order ____ Ordinance XX Resolution ____ Motion ____ Information ____
No. No. 2015-2790 No.

SUBJECT: An Ordinance To Achieve Consistency Between The Qualifications For Service On Standing Boards, Committees, Or Commissions; To Renumber NMC 2.15.210 For Better Readability; And Declaring An Emergency

Contact Person (Preparer) for this Motion: Truman Stone
Dept.: City Attorney
File No.:

HEARING TYPE: ☒ LEGISLATIVE ☐ QUASI-JUDICIAL ☐ NOT APPLICABLE

RECOMMENDATION:

Ordinance No. 2015-2790 is drafted at the Council's direction. No recommendation from staff.

EXECUTIVE SUMMARY:

Bill Rourke was appointed to serve on the Citizen's Rate Review Committee (CRRC). Subsequent to his appointment, Tony Rourke was elected to the City Council. Tony Rourke is Bill Rourke's son. The current code provisions establishing qualifications for CRRC members explicitly disqualifies family members of employees or officials of the City. A council member is an official of the City.

There are five advisory bodies established by the Newberg Municipal Code (NMC): Public Library Board; Citizen's Rate Review Committee; Planning Commission; Traffic Safety Commission; and Historic Preservation Commission. The Budget Committee is a creation of state statute and not part of this discussion. None of the other standing boards, committees, or commissions disqualify family members of city employees or officials.

This issue was presented to the Council at the October 19, 2015, meeting. Council instructed the City Attorney to prepare a code amendment to make the qualifications for CRRC in this specific area, consistent with the other boards, committees, and commissions established in the NMC.

FISCAL IMPACT:

No fiscal impact.

STRATEGIC ASSESSMENT:

**AN ORDINANCE TO ACHIEVE CONSISTENCY BETWEEN THE
QUALIFICATIONS FOR SERVICE ON STANDING BOARDS, COMMITTEES,
OR COMMISSIONS; TO RENUMBER NMC 2.15.210 FOR BETTER
READABILITY; AND DECLARING AN EMERGENCY**

RECITALS:

1. The Citizens Rate Review Committee (CRRC) was established in 1995.
2. The Newberg Municipal Code (NMC) establishing qualifications for CRRC members explicitly disqualifies family members of employees or officials of the city
3. This provision is inconsistent with the qualifications for service on the other standing boards, committees, or commissions.
4. The City Council expresses a policy preference that the NMC be consistent to the extent possible.
5. This ordinance also renumbers section 2.15.210 (Appointments of boards, commissions, and committees) as 2.15.005 to clarify its application and make the NMC more readable.
6. The Council finds that an emergency exists.

THE CITY OF NEWBERG ORDAINS AS FOLLOWS:

Section 1. Section 2.15.160 is amended to read as follows:

2.15.160 Application and qualifications.

- A. The city shall give public notice of any vacancy of the committee and accept such applications for vacancies.
- B. The application for membership on the committee shall state the principal occupation of the applicant, the principal residence of the applicant and give other information and qualifications, as the city may deem necessary.
- C. All members shall have their principal place of residency inside the city limits at the time of their appointment and during the term that they serve on the committee.
- D. No member, except the mayor, shall be an employee or official of the city.

Section 2. Section 2.15.340 is amended to read as follows:

2.15.340 Membership.

The commission shall consist of nine voting members who are not officials or employees of the

city. The mayor, city manager, chief of police, city engineer, and student from one of the local high schools will serve as ex officio nonvoting members of the commission. The chief of police and city engineer may designate a person in their department to serve in their capacity. The members, including the student member, will be appointed by the mayor, subject to the confirmation by the city council.

Section 3. Section 2.15.210 is renumbered as 2.15.005 to precede Article I.

2.15.005 Appointments of boards, commissions, and committees.

- A. Appointments of members to boards, commissions, and committees are made by the mayor with the consent of the city council pursuant to the city Charter, Section 9, titled "Mayor."
- B. The qualifications, terms, and other conditions of appointment shall be as specified in the code or the resolution or document establishing the board, commission, or committee.
- C. The appointment process is established by resolution.

Section 4. Emergency Clause.

EMERGENCY CLAUSE: This ordinance being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this ordinance shall be in full force and effect on November 3, 2015.

➤ **EFFECTIVE DATE** of this ordinance is: November 3, 2015.

ADOPTED by the City Council of the City of Newberg, Oregon, this ____ day of _____, 2015, by the following votes: **AYE:** **NAY:** **ABSENT:** **ABSTAIN:**

Sue Ryan, City Recorder

ATTEST by the Mayor this _____ day of November, 2015.

Bob Andrews, Mayor